

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location:

PDC07-017. Planned Development Rezoning to allow the demolition of existing structures and the construction of 35 residential condominiums, 4 townhomes, and 2 live/work lofts on a 0.91 gross acre site; paired with PD07-016, annexation and subsequent permits (Owner James & Tina Jean, Architect Andy Whiting)

C07-104. Director Initiated Conforming Conventional Conforming Rezoning to allow for the annexation of the property into the city as part of the annexation and development of the adjacent site being processed through a Planned Development Zoning and Permit (City File number PDC07-017).

Council District: 6

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **275 Lincoln Avenue**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **March 5, 2008** and ends on **March 25, 2008**.

A public hearing on the project described above is tentatively scheduled for **March 26, 2008 at 6:30 P.M.** in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Rose Garden Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Sanhita Mallick** at (408) 535-3555.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 3/5/08

Deputy

MNDPN/SBA/2/11/03
REV. sba 1/9/06

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: PDC07-017 Lincoln at Pacific Rezoning

PROJECT FILE NUMBER: PDC07-017, PD07-010, C07-104, Annexation (Sunol 79) and subsequent permits

PROJECT DESCRIPTION: (1)Planned Development Rezoning to allow the demolition of existing structures and the construction of 35 residential condominiums, 4 townhomes, and 2 live/work lofts on a 0.91 gross acre site; paired with PD07-016, annexation and subsequent permits (2) Director Initiated Conforming Conventional Rezoning to allow for the annexation of the property into the city as part of the annexation and development of the adjacent site being processed through a Planned Development Zoning and Permit (City File numbers PDC07-017 and PD07-016).

PROJECT LOCATION & ASSESSORS PARCEL NO.: (1)West side on Lincoln Av extending from W. San Carlos St on the south to Pacific Avenue on the north, excluding the NW corner of W. San Carlos and Lincoln Avenue (275 LINCOLN AV); 261-41-081, -082, -089, -096 (2) NW corner of W. San Carlos and Lincoln Avenue 261-41-103

COUNCIL DISTRICT: 6

APPLICANT CONTACT INFORMATION: Andy Whiting, Office of Jeremy King, 97 E St. James Street, San Jose CA 95112, Tel: (408) 295-2210

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IV. BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- V. CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VI. GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VII. HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VIII. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IX. LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- X. MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. NOISE** – The project shall incorporate building sound insulation requirements to meet the requirements of the California Building Code to reduce interior noise levels to 45 dBA DNL or lower. This shall include the provision of forced-air mechanical ventilation satisfactory to the local building official for all new units, so that windows can be closed at the occupant's discretion to control noise. Special building construction techniques may be required that may include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The specific determination of the necessary treatments shall be determined on a unit-by-unit basis. Results of the unit-by-unit acoustical analysis, including the description of the necessary noise control treatments, shall be submitted to the City with the building plans and approved prior to issuance of a building permit. (These feasible construction techniques would adequately reduce interior noise levels to 45 dBA DNL or lower.)

- XII. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIV. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XV. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVI. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVII. MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on March 25, 2008, any person may:

Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 3/5/08
Deputy

Adopted on: _____
Deputy

MND/JAC 8/26/05

PUBLIC HEARING NOTICE

The Planning Commission and the City Council of the City of San José will consider a change in **ZONING** at a public hearing in accordance with the San José Municipal Code on:

Planning Commission Hearing
Wednesday, March 26, 2008

6:30 p.m.

City Council Chambers
City Hall
200 East Santa Clara Street
San Jose, CA 95113

City Council Hearing
Tuesday, April 08, 2008

7:00 p.m.

City Council Chambers
City Hall
200 East Santa Clara Street
San Jose, CA 95113

The project being considered is:

PDC07-017. Planned Development Prezoning to allow the demolition of existing structures and the construction of 39 single-family attached residential and 2 live/work lofts on a 0.91 gross acre site located on the west side on Lincoln Avenue extending from West San Carlos Street to the south and Pacific Avenue to the north, excluding the northwest corner of West San Carlos and Lincoln Avenue (James & Tina Jean, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.

Reports, drawings, and documents for this project are available for review during the week of the public hearing from 9:00 a.m. to 5:00 p.m., Monday through Friday at:


Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113
(408) 535-7800

<http://www.sanjoseca.gov/planning/hearings/>

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-7800 or (408) 294-9337 (TTY) at least two business days before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 277-3068. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709.**

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Sanhita Mallick**, at the e-mail address: sanhita.mallick@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.



Joseph Horwedel, Director

Dated: **March 03, 2008**



Lee Price, MMC, City Clerk

Noticing Radius: **1000 ft**